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Plaintiffs' Interim Co-Lead Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re Google Generative AI Copyright Litigation

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Cadio Zirpoli (State Bar No. 179108)
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Master File Case No. 5:23-cv-03440-EKL
Consolidated Case No. 5:24-cv-02531-EKL

**DECLARATION OF GREGORY S.
MULLENS IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO STRIKE
CLASS ALLEGATIONS**

Date: April 23, 2025
Time: 10:00 a.m.
Courtroom: 7
Judge: Hon. Eumi K. Lee

1 I, Gregory S. Mullens, hereby declare as follows:

2 1. I am admitted *pro hac vice* before this Court and Of Counsel with Bleichmar Fonti &
3 Auld LLP, one of the law firms representing Plaintiffs in this matter. I have personal knowledge of the
4 facts stated herein and, if called upon to do so, could and would testify competently thereto.

5 2. I submit this declaration in support of Plaintiffs' Opposition to Defendants' Motion to
6 Strike Class Allegations (ECF No. 98).

7 3. Following the parties' December 6, 2024 meet and confer, counsel for Defendants called
8 Plaintiffs' counsel to ask whether Plaintiffs would be amending their class definition. Plaintiffs'
9 counsel confirmed that the class definition would be amended to reflect consolidation of the *Leovy* and
10 *Zhang* matters. At no point thereafter, including during the December 13, 2024 meet and confer on
11 Defendants' anticipated bases for moving to dismiss the Consolidated Amended Complaint, did
12 Defendants inform Plaintiffs' counsel that they also intended to move to strike Plaintiffs' class
13 allegations, and through that motion to strike, seek bifurcation.

14 4. On January 30, 2025, Plaintiffs proposed a stipulation whereby the Defendants agreed
15 to withdraw their motion to strike, and the parties agreed to amend the class definition in the
16 Consolidated Class Action Complaint, ECF No. 91 ¶ 164, as follows:

17 *All persons or entities domiciled in the United States who owned a United States*
18 *copyright in any work used by Google to train Google's Generative AI Models during*
19 *the Class Period.*

20 The Proposed Stipulation, dated January 30, 2025, is attached hereto as **Exhibit A**.

21 5. Defendants did not agree to the Proposed Stipulation and Plaintiffs sought to meet and
22 confer on it.

23 6. February 6, 2025 at 3:30 p.m. PT was the earliest date and time that Defendants were
24 willing to confer on Plaintiffs' proposed stipulation.

25 7. On February 6, 2025, at approximately 3:15 p.m. PT, Plaintiffs sent Defendants a
26 Revised Proposed Stipulation that did not call for the withdrawal of Defendants' motion to strike and
27 only called for amendment of the class definition, as set forth above, to address the alleged fail-safe
28 issue. The Revised Proposed Stipulation, dated February 6, 2025, is attached hereto as **Exhibit B**.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

/s/ Gregory S. Mullens
Gregory S. Mullens

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of February, 2025, at Oakland, California.

/s/ Lesley E. Weaver

Lesley E. Weaver